

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

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U.S.C.A. #

U.S.D.C. #

JUDGE:

DATE:

*Le Brun*

-v-

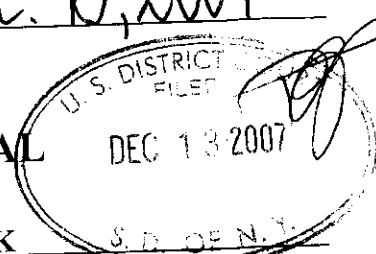
*Antes*

07-w-4704

KMW

DEC. 13, 2007

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK  
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

**\*\* ONLY CIRCLED DOCUMENTS ARE INCLUDED \*\***

**\*\* ALL OTHERS MISSING AT THIS TIME \*\***

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 13th Day of December, 2007.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # \_\_\_\_\_

JUDGE: \_\_\_\_\_

DATE: \_\_\_\_\_

*LeBron*

-v-

*Antis**07-cv-4704**KMW**Dec. 13, 2007*

**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered \_\_\_\_\_ Through \_\_\_\_\_, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date FiledDocument Description

**BALANCE OF FILE MISSING AT THIS TIME**

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this *13th* Day of *December* In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 232<sup>ND</sup> year.

**J. Michael McMahon, Clerk**

By \_\_\_\_\_

Deputy Clerk

APPEAL, CLOSED, HABEAS

**U.S. District Court  
 United States District Court for the Southern District of New York (Foley Square)  
 CIVIL DOCKET FOR CASE #: 1:07-cv-04704-KMW  
 Internal Use Only**

LeBron v. Artus  
 Assigned to: Judge Kimba M. Wood  
 Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 06/04/2007  
 Date Terminated: 09/27/2007  
 Jury Demand: None  
 Nature of Suit: 530 Habeas Corpus (General)  
 Jurisdiction: Federal Question

Date Filed	#	Docket Text
06/04/2007	1	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2254. Document filed by Elvin LeBron.(laq) (Entered: 06/13/2007)
06/04/2007		Magistrate Judge Douglas F. Eaton is so designated. (laq) (Entered: 06/13/2007)
06/04/2007	2	60 DAYS ORDER.... I direct the Clerk of Court to assign a docket number to this action, I further direct the petitioner to submit an affirmation within 60 days of the instant order as set forth within. Petitioner is hereby directed to file an amended petition containing the information specified within. Should petitioner decide to file an amended petition, it must be submitted to this Court's Pro Se Office within 60 days of the date of this order, be captioned as an "Amended Petition" and bear the same docket number as this Order. Petitioner is advised that his Amended Petition will completely replace the original one. Thus, any allegations and/or grounds for habeas corpus relief that petitioner wishes to preserve from his original petition must be listed again in his amended petition. No answer shall be required at this time and all further proceedings shall be stayed for 60 days or until petitioner has complied with this order. If petitioner fails to comply with this Order within the time allowed, or fails to show good cause as to why he cannot comply with this order within the time allowed, the instant action will be dismissed without prejudice. Once submitted, the amended petition shall be reviewed for compliance with this Order and substantive sufficiency and then, if proper, the case shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability shall not issue. I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this Order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/4/7) (laq) (Entered: 06/13/2007)
08/07/2007	3	AMENDED PETITION amending 1 Petition for Writ of Habeas Corpus under 28 USC 2254 against Dale Artus. Document filed by Elvin LeBron. Related document: 1 Petition for Writ of Habeas Corpus filed by Elvin LeBron.(dle) (Entered: 08/10/2007)
09/27/2007	4	JUDGMENT in favor of Dale Artus against Elvin LeBron that the complaint is dismissed and any appeal would not be taken in good faith. (Signed by Judge Kimba M. Wood on 9/27/07) (jf) (Entered: 09/27/2007)
09/27/2007	5	ORDER OF DISMISSAL: The instant action is dismissed without prejudice to the pending action, as petitioner has not made a substantial showing of denial of constitutional right. (Signed by Judge Kimba M. Wood on 9/27/2007) (jpo) (Entered: 09/27/2007)
10/31/2007	8	NOTICE OF APPEAL from 4 Judgment, 5 Order of Dismissal. Document filed by Elvin LeBron. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 12/12/2007)
10/31/2007		Appeal Remark as to 8 Notice of Appeal filed by Elvin LeBron. \$455.00 APPEAL FEE DUE. IFP REVOKED 9/27/07. (tp) (Entered: 12/12/2007)
11/08/2007	6	MOTION for Extension of Time to File a Notice of Appeal. Document filed by Elvin LeBron.(ae) (Entered: 11/15/2007)
11/15/2007	7	ORDER granting 6 Motion for Extension of Time to File a Notice of Appeal. The Court certifies pursuant to 28 U.S.C. sec. 1915(a)(3) that any appeal from this order would not be taken in good faith.(Signed by Judge Kimba M. Wood on 11/15/07) (ae) (Entered: 11/15/2007)
12/12/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 8 Notice of Appeal. (tp) (Entered: 12/12/2007)
12/12/2007		Transmission of Notice of Appeal to the District Judge re: 8 Notice of Appeal. (tp) (Entered: 12/12/2007)